

REMARKS

Applicants appreciate and acknowledge the allowance of claims 1, 5-11, 13, 14, and 16-33. Reexamination and reconsideration of claims 34-41 are respectfully requested.

Claim 39 was objected to for an informality. Claim 39 has been amended to remove the informality. Withdrawal of the objection to claim 39 is respectfully requested.

Claims 34 and 36 were rejected under 35 U.S.C. sec. 102(b) applying JP publication 1-138517 (JP '517). The JP '517 publication requires subunits each having individual matrix material 3, where the subunits are connected by a common matrix 4. See Figs. 2a-2d of JP '517. For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

It is respectfully submitted that the Office Action misinterpreted JP '517 because each and every feature of claim 34 is not disclosed by JP '517. Additionally, the amendment of claim 34 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. Rather, the amendment of claim 34 is to explicitly recite structure of the sub-units that make them subunits. Therefore, no new subject matter was added to the claim since the structure was already inherently present in the claim. Specifically, as understood in the art and discussed in the present application, a sub-unit requires its own matrix material. See p. 2, ll. 8-17 of the present application.

By way of example, claims 34 and 36 of the present invention are represented by Fig. 2D in the present application. Fig. 2D depicts, *inter alia*, a plurality of sub-units 50,52,56 each having a primary matrix material, and an outer matrix covering that encapsulates and binds the subunits together, the outer matrix covering is formed from a first matrix material 60 adhered respectively to each sub-unit 50,52,56 and a connecting region of

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a second matrix material 62 joining adjacent sub-units. In this case, each subunit 50,52,56 has a primary matrix, which in Fig. 2D is not numbered or hatched. See Fig. 2D of the present invention. In other words, claim 34 recites, *inter alia*, an optical ribbon with three different matrix materials, the primary matrix of the sub-unit, the first matrix material, and the second matrix material.

On the other hand, JP '517 only discloses two matrix materials. Specifically, subunits of JP '517 have a subunit matrix 3 and a common matrix 4. See Figs. 2a-2d of JP '517. Moreover, no other figures or text from JP '517 is cited to the contrary. Simply stated, JP '517 does not disclose, teach, or otherwise suggest each and every feature of claim 34. For at least this reason, withdrawal of the sec. 102(b) rejection of claims 34 and 36 is warranted and is respectfully requested.

Claims 39 and 40 were rejected under 35 U.S.C. sec. 102(e) applying U.S. Pat. No. 6,532,329 ('329). The '329 patent requires sub-units ribbons 10,16 each having a plurality of optical fibers 12 encapsulated by respective subunit matrix materials 14. Colored stripes 22, 24 are respectively applied to the outer surface of subunit ribbons 10 and 16 prior to being encapsulated in material 18. See Figs. 1-5 and Col. 3, 11. 1-22 of the '329 patent. For a patent to be applicable under sec. 102(e), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

It is respectfully submitted that the Office Action misinterpreted the '329 patent because each and every feature of claim 39 is not disclosed by the '329 patent. Additionally, the amendment of claim 39 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim.

By way of example, claims 39 and 40 of the present invention are represented by Fig. 7 in the present application. Fig. 7

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depicts, *inter alia*, a matrix covering that encapsulates and binds together the optical fibers; the matrix covering comprising a plurality of different colored regions formed of a first matrix material and bound respectively to the plurality of optical fibers for identifying the optical fibers.

On the other hand, the '329 patent requires colored stripes 22, 24 to be disposed on the outer surface of ribbons 10 and 16, rather than be bound to the optical fibers. See Col. 3, ll. 10-14 of the '329 patent. Simply stated, it is impossible for colored stripes 22, 24 of the '329 patent to be bound to optical fibers 12 since optical fibers 12 are encapsulated in subunit matrix material 14. For at least this reason, withdrawal of the sec. 102(e) rejection of claims 39 and 40 is warranted and is respectfully requested.

Claim 35 was rejected under 35 U.S.C. sec. 103(a) applying JP '517 in view of the '329 patent. The sec. 103(a) rejection of claim 35 is respectfully overcome for at least the reasons stated above with respect to claim 34. Withdrawal of the sec. 103(a) rejection of claim 34 is warranted and is respectfully requested.

Claims 37 and 38 were rejected under 35 U.S.C. sec. 103(a) applying JP '517 in view of the U.S. Pat. App. No. 2001/0048797 ('797) and U.S. Pat. No. 5,379,363. For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

It is respectfully submitted that at least each and every feature of amended claim 37 is not disclosed, taught, or otherwise suggested either explicitly, or inherently, by the purported combination of references. Additionally, the amendment of claim 37 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim.

By way of example, claims 37 and 38 of the present invention

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are represented by Fig. 6 in the present application. Fig. 6 depicts, *inter alia*, at least one adjacent pair of optical fibers 24 bound together by a connecting matrix material 64,66, the connecting matrix material being a predetermined color for identifying the pair of optical fibers and covering less than all of the adjacent pair of optical fibers, and an outer matrix covering that encapsulates and binds together all of the optical fibers, the outer matrix covering being sufficiently transparent that the color of the connecting matrix material is visible through the outer matrix covering.

On the other hand, JP '517 publication requires subunits connected by matrix material 4. Fig. 2D is the only embodiment that has an outer matrix 4 that encapsulates and binds all the subunits. However, in Fig. 2D the connecting matrix 3 covers all of the optical fibers. See Fig. 2D of JP '517. None of the other embodiments of the JP '517 patent have an outer matrix covering that encapsulates and binds together all of the optical fibers. For at least these reasons, the withdrawal of the sec. 103(a) rejection of claims 37 and 38 is warranted and respectfully requested.

Claim 41 was rejected under 35 U.S.C. sec. 103(a) applying the '329 patent in view of JP publication 1-200311 (JP '311). The sec. 103(a) rejection of claim 41 is respectfully overcome for at least the reasons stated above with respect to claim 39. Withdrawal of the sec. 103(a) rejection of claim 39 is warranted and is respectfully requested.

No new fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

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The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

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